



**U.S. Department of Justice**  
*United States Attorney*  
*District of New Jersey*

John Giordano  
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March 5, 2025

The Honorable Michael E. Farbiarz  
United States District Judge  
U.S. Post Office & Federal Courthouse  
Newark, New Jersey 07102

Re: United States v. Gordon Coburn and Steven Schwartz  
Crim. No. 19-120 (MEF)

Dear Judge Farbiarz:

I write in response to Your Honor's inquiry regarding the Speedy Trial clock—specifically, whether time would be tolled during the 180-day adjournment that I requested. As Your Honor knows, Title 18, United States Code, Section 3161(h)(7) allows for the exclusion of time when the ends of justice so require. Here, in balancing these interests, I submit that time should be tolled pursuant to this provision.

As a threshold matter, defendants have asserted that the Executive Order should apply to their case, and thus, defendants' interest in a speedy trial is not a factor. Indeed, I suspect that defendants would consent to a continuance of time for the full duration of the adjournment. In light of defendants' anticipated consent, the only consideration is whether the ends of justice served by a fulsome review of the Executive Order's application to this case outweigh the interests in a speedy trial. Section 3161(h)(7)(B) provides a non-exhaustive list of factors that this Court may consider in determining whether to grant a continuance in the interest of justice. Subsection (B)(i) directs the consideration of "whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice."

On February 10, 2025, the President of the United States of America issued an Executive Order in which he declared that the Foreign Corrupt Practices Act "has been systematically . . . stretched beyond proper bounds and abused in a manner that harms the interests of the United States." The Executive Order likewise ordered that for a period of 180 days following the date of the order, the Department of Justice shall review guidelines and policies governing investigations and enforcement actions under the FCPA. That order

directed the Department to “review in detail all existing FCPA investigations or enforcement actions and take appropriate action with respect to such matters[.]” As such, it is incumbent upon me to conduct that fulsome review that the Executive Order requires. It is likewise in the public’s interest that the President’s Executive Orders be honored. Consequently, this Court should find that the entire 180-day duration of the requested adjournment is tolled under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(7).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Giordano', is positioned above the printed name.

JOHN GIORDANO  
United States Attorney

cc: All Counsel of Record